

**Minutes of the School Facilities Commission**  
**WEN Video**  
**Cheyenne, Wyoming**

**July 22, 2008**

Chairman Gilpatrick called the meeting to order at 8:50 a.m.

Present: Commissioner Algier, Commissioner Carrier, Commissioner Ferris, Commissioner Goodson, Commissioner Marsh, Commissioner McBride, Chairman Gilpatrick and Director Daraie.

**Approval of Meeting Agenda**

*Commissioner McBride made a motion to approve the agenda as presented. Commissioner Marsh seconded the motion. Motion passed unanimously.*

**Approval of Previous Meeting Minutes**

*Commissioner Goodson made a motion to approve the previous meeting minutes from the June 16, 2008 meeting as presented. Commissioner Ferris seconded the motion.*

Commissioner Marsh requested the statement on the bottom of page 3 be changed to a question and not a statement.

*Motion passed unanimously.*

**Current Business**

**Weston 1 Request – Use of Major Maintenance Funds**

Mr. Maurie Petterson provided the Commission with background information regarding the request by Weston County School District Number One to utilize major maintenance funds for maintenance on metal portions of the roof system, and the pool basins at the aquatic center.

Superintendent Brad LaCroix advised the Commission that the cost for the needed from their major maintenance fund was \$88,854.60.

Commissioner Algier requested the District investigate the use of a rubber material instead of the epoxy in order to make sure the material was the most cost effective.

Commissioner McBride questioned whether the District had requested funds from the Wyoming State Loan and Investment Board (SLIB).

Mr. LaCroix indicated the District had approached the County Commissioners, however, he indicated the County Commissioners placed the project on the alternate list with no

guarantee of funds. Mr. LaCroix also indicated there were two major water projects within Newcastle currently receiving funds from the SLIB board.

*Commissioner Marsh made a motion to approve use of major maintenance funds, not to exceed \$100,000, for maintenance repairs to the Kozisek Aquatic Center and that the District research alternate materials as requested by Commissioner Algier. It was further moved that a formal request be sent by the District to the County Commissioners requesting a level of funding from the SLIB revenues and reimburse the School Facilities Commission if funding is provided. Commissioner Algier seconded the motion.*

Commissioner Carrier questioned if the District had major maintenance needs for the current year and what impact, if any, this decision would have on those needs.

Mr. LaCroix stated the district had sufficient funds to address their major maintenance needs for this year and next year as some projects had come in under budget. Mr. LaCroix indicated that some of their major maintenance projects were postponed due to issues with bidders.

Chairman Gilpatrick commented on the Commission's struggle with the use of major maintenance on pools and how the outcome of the 4<sup>th</sup> IBS session would help with this issue. Chairman Gilpatrick expressed his appreciation to the District for pursuing other avenues of funding and encouraged them to continue to work with the county to obtain SLIB funds.

Mr. LaCroix advised the Commission that he would distribute a memo quickly to the County and copy the Commissioners.

*Motion passed unanimously.*

#### **Sublette 1 – Design-Build Process**

Ms. Nancy Thomson provided the Commission with an overview of the design-build boot camp held with the Districts and SFC staff and the need to pilot a project for this type of delivery method. Ms. Thomson indicated that a project management service will assist the SFC and District with a step-by-step process for the design-build method and if the state is satisfied with the results, the method would be utilized for future design-build projects.

Commissioner Goodson questioned if a competitive process would be used to select the design-build team.

Ms. Thomson stated there were several selection methods available and all were competitive.

Chairman Gilpatrick questioned why the Pinedale project was chosen.

Ms. Thomson indicated the District had a capacity need and time was an issue and that is why the SFC considered using the Pinedale project as a pilot. Ms. Thomson advise the

Commission that a design-build presentation has been given by Northstar Project Management at several locations.

Commissioner Marsh expressed his concern over containment of costs and reservations about moving forward with this delivery method.

Commissioner Goodson questioned what point would we know how much a project would cost with this method.

Ms. Thomson indicated the method would allow the owner to dictate a construction budget and the design-build team would be responsible for designing to this budget using performance specifications and value engineering as the frame work.

Discussion was held on the choice of projects, the fairness in the selection process, and the opportunity of another delivery method and whether or not contracts were initiated.

Director Daraie advised the Commission that the only commitment made was to educate the SFC and Districts regarding this method and possibly utilizing the Pinedale project due to capacity and time. Director Daraie indicated no commitment for funding was executed.

Commissioner Marsh indicated he was interested in the process but wanted an opportunity to select and vote on the pilot project.

Commissioner Algier expressed her frustration regarding a project procurement process that was ignored when presented several months ago.

Chairman Gilpatrick offered his apology to Commission Algier and provided an explanation as to why the process was not considered.

The Commission requested a presentation be provided by Northstar Project Management at the August work session that address the design-build process in general, and then how it might apply to Pinedale as a pilot project specifically.

### **Status of Rules**

Mrs. Donna Murray indicated a WEN Video was scheduled for August 5, 2008 from 9:00 – 11:00 a.m. to collect comments from participants regarding the SFC proposed rules.

Mrs. Murray advised the Commission that due to timing, the emergency rules will need to be re-adopted at the August Commission Meeting and the permanent rules would be adopted at either the September or October Commission Meeting.

### **Update on Accountability Issues and Assistance (Legal) to Districts**

Mr. Michael O'Donnell advised the Commission of recurring issues surrounding design and/or construction of projects. Mr. O'Donnell indicated Districts were contacting him for advice because state funds are involved and the higher level of response received when Director Daraie or he was involved.

Mr. O'Donnell commented on the possible need to increase the state's role regarding contracts to address these types of issues. Mr. O'Donnell indicated this was not a recommendation either way.

Chairman Gilpatrick commented on the need for accountability by the design and contractor professionals and the SFC needed to be involved.

Commissioner Goodson stated Districts needed to be accountable for what they are doing as the SFC is not a party to the contract.

### **Conversation with Governor Freudenthal about Request for AWEC Positions – Construction Management**

Director Daraie advised the Commission that the SFC would like to bring some owner representative services/field services in-house to utilize funds more effectively.

Director Daraie indicated the need for 2 AWEC positions, which would not require additional funds as the current project budgets contained funding for these services.

Chairman Gilpatrick asked if the Governor was in favor of this type of position.

Director Daraie indicated the Governor was supportive providing proper justification was included in the request. Director Daraie informed the Commission that the state construction agency already had this type of position.

### **Commission Schedule**

Discussion was held regarding the August meeting scheduled for August 18 & 19, 2008 in Casper and the Commission retreat scheduled for September 25-28 in Laramie.

### **Public Comments**

No public comments were made.

### **Commission and Director Comments**

Director Daraie shared a letter he received from the Governor regarding the upcoming supplemental budget request and explained some of the issues contained in the letter.

Director Daraie informed the Commission that the supplemental budget request would be determined by the Commission and communicated to the Districts to avoid any misunderstandings.

Director Daraie further explained that Section 3 of the 2009/2010 Budget Exception Narrative detailed the process used for establishing the budget, including the state's capacity for construction and prioritization process.

Director Daraie reminded the Commission of the December, 2007 meeting with District Superintendents where the issue of insufficient funds for projects was discussed and the policy developed on steps to take when there were insufficient funds. Director Daraie stated it was determined that the prioritized list would be honored and projects near the bottom of the list would be eliminated if there were insufficient funds.

Chairman Gilpatrick expressed his appreciation to all that attended and again apologized to Commissioner Algier for stopping the process she had suggested.

**Adjournment**

*Commissioner McBride made a motion to adjourn the regular meeting at 10:18 a.m. Commissioner Marsh seconded the motion. Motion passed unanimously.*

  
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Anna Hutchinson, H.R. Manager

**Approved by:**

  
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Richard Gilpatrick, Chairman